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February 23, 2016

Mr. Stuart Spencer
Deputy Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas

Re: Next Steps for Clean Power Plan Stakeholder Process

Dear Mr. Spencer,

This letter is provided on behalf of the Energy and Environmental Alliance of Arkansas (EEAA) in response to the Department's February 12, 2016, email communication to the Arkansas stakeholders workgroup concerning the near-term considerations and next steps for development of the potential State plan for compliance with the Section 111(d) federal emissions guidelines in light of the recent stay of those guidelines by the U.S. Supreme Court in *West Virginia, et al. v. EPA*.

Considering the uncertainties surrounding the final disposition and potential requirements of the federal guidelines, EEAA believes that the most prudent course of action for the Department and other coordinating State agencies to pause the Arkansas stakeholder process until more definitive information is received from the federal courts, EPA and other affected stakeholders. While EEAA appreciates and supports the Department's proactive approach to the stakeholder process and development of a potential State plan, we believe that the legal and practical considerations surrounding the final disposition of the federal guidelines and associated requirements and compliance timeframes following the stay by the Supreme Court are so uncertain at this time as to preclude robust and meaningful contribution from the stakeholders group in development of a potential State plan; and that further significant time and resource commitments towards development of a potential State plan pending resolution of these issues by the federal courts is not an efficient use of stakeholders' resources. Furthermore, the Department's authority to finalize and implement the regulatory requirements associated with development of a State plan during the pendency of the Supreme Court's stay is strictly limited under Ark. Code Ann. § 8-3-201 *et seq.*

In light of these considerations and others related to development of a potential State plan, EEAA urges the Department to pause the stakeholder process and cease development of a State plan at this time. We appreciate your thoughtful consideration of these concerns.

Sincerely,

A handwritten signature in black ink that reads "Chad Wood".

Chad Wood

CLW/ajj